

Notice of Allowability

Application No.

10/607,901

Applicant(s)

SACHDEVA, ROHIT C.L.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/27/2003 and 6/24/2005.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 20030808
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050830
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

J. Ouellette
S. R. E. 3629

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Jasvantrai C. Shah (Reg. No. 39,444) on Tuesday, August 30, 2005.
3. Claim 1, line 1, change "a patient treatment plan" to "an oral health care treatment plan for a patient" ; line 12, change "patient treatment plant" to "oral health care treatment plan" .
4. Claim 10, line 1, change "a patient treatment plan" to "an oral health care treatment plan for a patient" ; line 13, change "patient treatment plant" to "oral health care treatment plan" .

Response to Arguments

5. Applicant's arguments with respect to claims 1-18 have been considered but are persuasive in view of Applicant's submitted Terminal Disclaimer.

Allowable Subject Matter

6. Claims 1-18 are allowed
7. The following is an examiner's statement of reasons for allowance:

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8. As per **independent Claims 1 and 10**, the prior art does not teach or suggest a method or system for generating an oral health care treatment plan for a patient that includes selecting from a list of health care providers providing a list of health care services, receiving digital data regarding the patients condition, simulating treatment, and generating an oral health care treatment plan inclusive of the plurality of selected health care services, for a patient in accordance with the simulated treatment.
9. **Taylor et al. (US 6,236,878)** teaches a method for generating a patient treatment plan, but Taylor's treatment plan does not incorporate the health care listing and simulation techniques that are described in the independent Claims.
10. **DeBruin-Ashton (US 6,014,629)** teaches a system for providing a list of health care services, but DeBruin-Ashton's list serves as a directory listing, instead of an interactive path towards treatment planning as stated in the independent Claims 1 and 17. There is also no suggestion to combine the listing of health care services provided from DeBruin-Ashton with the oral health care treatment plan disclosed by Taylor.
11. **Macrae et al. (US 5,826,237)** teaches an apparatus for merging or combining medical protocols, but fails to teach integration of several different health care services determined necessary through digital input and treatment simulation. There is also no suggestion to combine the protocol combining apparatus provided from Macrae with the oral health care treatment plan disclosed by Taylor.
12. The remaining dependent Claims 2-9 and 11-18 are considered allowable, as they are dependent and based off of an allowable independent claim.

13. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

14. The following foreign document is cited to show the best foreign prior art found by the examiner:

PCT No. WO 9901832 A1 to Bair et al.

Blair discloses providing behavioral health care to patient with host plan coverage - by entering patient demographic data at provider site, transmitting part of data to host computer, electronically requesting approval for treatment and using set of predetermined treatment approval rules to determine treatment.

15. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:


Bisby, Adam, "Health care market goes the distance." Computer Dealer News, August 10, 1998.

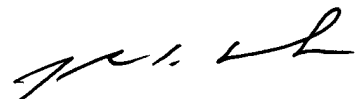
The Article discloses details about advancement in videoconferencing and digital imaging technologies used for medical treatment.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

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17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.


jo
August 30, 2005


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